

The People's Press.

VOL. XXIII.

SALEM, N. C., FEBRUARY 11, 1875.

NO. 6.

The People's Press.

L. V. & E. T. BLUM,
PUBLISHERS AND PROPRIETORS.

TERMS:—CASH IN ADVANCE.

One copy, one year.....\$2 00
" " six months..... 1 00
" " three months..... 75

Poetry.

THE EVERY-DAY DARLING.

She is neither a beauty nor a genius,
And no one would call her wise;
In a crowd of other women
She would draw no stranger's eyes:
Even we who love her are puzzled
To say where her preciousness lies,
She is just an every-day darling,
In that her preciousness lies.

She is sorry when others are sorry,
So sweetly, one likes to be sad;
And if people around her are merry,
She is always glad to be glad.
Her sympathy is the sweetest,
The truest a heart ever had;
She is just an every-day darling,
The dearest that heart ever had.

Her hands are so white and little,
It seems as if it were wrong
They should ever work for a moment,
And yet they are quick and strong;
If any dear one needs helping,
She will work the whole day long;
The precious every-day darling,
Every day and all day long.

She is loyal as knights were loyal,
In the days when no knight lied,
And for sake of love or of honor,
If it need be, a true knight died;
But she dreams not she is braver
Than women by her side,
This precious every-day darling,
Who makes sunshine at our side.

Ah envy her, Beauty and Genius,
And women the world calls wise;
The utmost of all your triumphs
Would be empty in her eyes.
To love and be loved is her kingdom;
In this her happiness lies;
God bless her, the every-day darling,
In this her preciousness lies.

Select Miscellany.

DANDELION.

"I wish I had never married you, Ben Dalton! I know I haven't the temper of a saint, but you are enough to provoke one," and the speaker broke out into hysterical sobs.

"I am sure I reciprocate your wifely devotion, my dear madame."

The happiest life that ever was led
Is always to court and never wed.

and I heartily believe it. For my part, I am tired and sick of your everlasting scolding; Mrs. Candler herself is outdone. Here we have been married but five years, and with how much happiness I used to look forward to the time when I could complete this little nest and bring to it the bird I had wooed so long—and his voice softened—"but now, Mary, this must not last. Perhaps your ideal has fallen as low as mine; our love is gone, and although we cannot be divorced, still we do not need to live together in such a constant wrangle. Think it all over to-day and tell me this evening if you wish to return to your father's house," and the speaker turned abruptly, and left the house.

Five years before, Ben Dalton and bright, pretty Mary Delvin were married, with seemingly bright prospects for a happy life; Ben had built a cosy little cottage near their native town, on the banks of a lovely little lake, skirted by lofty trees and drooping willows; passers would exclaim involuntarily: "What a delightful little nook!"

Two years passed by, and a wee one nestled in Mary's arms; and this tiny link in love's chain seemed to bind still more closely the hearts of the parents toward each other.

Little Willie was now three years old, but the serpent of discord had entered this Eden of domestic happiness; no long and bitter quarrel had estranged the two, it is the "little foxes that spoil the vine." Mary's health was delicate, her work was increased and her nerves in that state where everything jarred upon them; she grew peevish and fretful. Ben was thoughtful and exciting, and at last, both equally to blame, they lived in a wretched state of coldness and indifference toward each other, while both nearly worshipped their child. All well they might; he was a bright, handsome, winning little fellow, with fair complexion, large, beautiful deep-blue eyes, and hair so golden, that they had laughingly called him "Dandelion;" and by constant repetition the habit became fixed, and "Willie" was seldom spoken. It was in fact an appropriate name, as one would say, to see the little fellow toddling around minus his much despised hat, his little yellow head bobbing around among the grass and flowers—his chubby hands dealing death and destruction to the clover blossoms and buttercups.

On the morning that the before-mentioned conversation had ensued, the usual black looks and recriminations had passed between them and Ben Dalton left the house with anger and bitterness in his heart.

Mary sobbed in utter abandonment after his departure, for in spite of all her faults she loved her husband; but she soon rose calm and decided. "He doesn't wish to see me here any longer," she said to herself, "and shall I remain where I am only tolerated? No! We have lost all our love for each other, and I will take our child and go back to my father's house, that I left a happy bride. There I shall be gladly welcomed. Ah! there's no love like a mother's love, although I didn't think it five years ago. Now I will be preparing to go, so that when Ben returns to his dinner he will find me ready to act upon his kind advice. But where is Dandelion? He was in the yard but a moment ago. Ah! I know; his father took him with him to the shop as he often does. It will come hard,

to Ben to give him up, the precious little sunbeam; but the mother is the one to watch over her child, and I shall have nothing else to live for."

The morning seemed very long to Mary as she made her hasty preparations for her departure and despite her self-control, the tears would fall as she came across some tiny gift from her husband—the bracelet her birthday brought her from his hands, or some standard work by her favorite author given her with "a Merry Christmas, dear wife!" and her heart would relent as she thought, "it has all been my fault; I will stay and try to win back his love and be a better wife," but the thought would soon rise, "he is tired of me; he wishes me to go and I will go."

All this time Ben in his shop was thinking bitterly of the home he had left. "Let her go," he thought; "I never care to see another woman's face. I have lost all faith in the sex. Why, I used to think her an angel—a fallen angel, in my esteem, she is now. I don't suppose I have been as patient as I should, but a man does not want to be driven distracted by a woman's tongue. Mary will go back to her mother and be happy, if she can, without her child; but she cannot have Dandelion; I can't trust the bringing up of my son to a woman with such a temper, if it is a mother."

Slowly crept the hour hand of the old clock, till it indicated the hour of twelve; soon firm, manly footsteps were heard and Ben entered the house with a weary, troubled look. His dinner was waiting for him as usual, and his wife said to him, with calm indifference, "Mr. Dalton, I am ready now to leave you to the enjoyment of peace and quietude. I shall return to the roof that sheltered me in childhood; there are those that are summer friends. I shall take our child with me, of course, and shall endeavor to do my duty by him as now," and she called his name. There came no answer. "Where is he?" she asked. "Did you not bring him from the shop?"

"I have been alone all the afternoon," he said simply.

"I have not seen him since you left the house," she gasped—her eyes dilating and her cheeks growing pale. Ben's bronzed cheeks grew white. They both looked with a nameless horror in their eyes. Then throwing off the lethargy that bound them to the spot, they left the house, calling in vain the pet name of their darling.

The steep banks of the tiny but deep waters of the lake were soon reached. Could the child have ventured there?

Yes; there, just at the edge of the water lay a tiny pink apron.

Ben caught it up with a hoarse cry, and Mary saw and recognized it as the one their child had worn that very morning. Everything seemed to unite in one mad, fantastic whirl before her eyes and she dropped to the ground.

When she opened her eyes she found herself in her own room, the Doctor's face bent over her—she was gone, and she could hear a low murmur of voices in the adjoining room, too weak to speak or think, she closed her eyes and fell asleep. When she awoke, Ben was bending over her; she tried in vain to raise her head from the pillow; she was weak and helpless as a babe. Several days she lay thus, and hardly for an instant did her husband leave her. She took his attentions without question, but once as she essayed to speak, he said tenderly, and she noticed how pale and haggard he had grown—"Do not speak or think; you have been very ill for six weeks with brain fever; now try to sleep all you can."

At length the life tide of reviving health came flowing back, and the chain of memory once more reunited. "Oh! Ben, our child, our child!" she moaned bitterly. In vain her husband sought to hush her, but she said: "I must speak! I have seen how devoted you have been to me, and with how much care and tenderness you have watched me, to preserve my worthless life. I have seen, too, how wicked I have been; how my fretful temper and harsh words estranged your love. I know our darling boy is with the angels; but dear husband, better loved now than ever before, from his grave shall spring forth the flowers of a love that shall never wane, if you can only forgive the past."

For answer, he took the frail, weak form in his arms, and said, reverently, as he kissed the pale lips—

"A new commandment give I unto you, that ye love one another."

From this time new life seemed infused into the veins of the invalid, and ere long finding that Willie's body had been recovered, she pleaded with her husband to take her to the little grave; for a long time he demurred, until she seemed quite well and strong. She was changed indeed from the wife of a few months ago; her face showed the traces of some deep sorrow; but, therefore, rested the shadow of peace.

But the day came that Ben had promised to take her where Willie rested, and they started forth—he pale and trembling, she calm, but with a wistful longing look of mother love in her patient eyes.

They were to ride by her old girlhood's home, so they called there. Her mother welcomed them with joyful agitation; they both appeared so strange and constrained, that Mary looked at them in wonder.

"Tell her!" said Mrs. Delvin.

"Mary dear, can you bear good news—the best of news?" he began.

She motioned to him to proceed.

"Dear wife, you have been so near the river of death we have not dared to tell you this; but, that little apron, so fragrant with sad tidings we thought then, the wind had taken from your clothes-line and left by the waters brink; the mate to it our Willie wore, and we found him, fast asleep, nestled up to the side of the garden wall, hidden from our view by the tall grass."

The door opened. "Tse tum," and in marched Master "Golden-hair." Mary caught him in her arms with a cry of thanksgiving.

form; but friends and acquaintances used to point out Mr. and Mrs. Dalton as an example of married happiness, not knowing the fiery trial through which they had passed, years ago, and by its lesson learned the duty of patience, forbearance and love.

THE GREAT BONANZA OF NEVADA.

A Glance at the Silver Mines.

We copy from the *Stockholder* the substance of a letter from San Francisco, written just before Christmas. The writer says that people here can hardly realize the excitement pervading that community, and indeed the whole Pacific slope, over the news of the great "bonanza" discovered in the Comstock mines, in Nevada, and the consequent speculation in stocks of the companies located on that lode. The people, he says, have got wild over it, and California street, day after day, reminds him of what he has read of the scenes that were visible in London and Paris in the days of the South Sea and Mississippi schemes.

After a long season of comparative dullness silver stocks at San Francisco have taken a jump upwards unprecedented in the history of speculation. Of the leading stocks now claiming attention, a few months ago the California Mine stock sold at \$70 per share. Consolidated Virginia stock at \$80 per share. In October the workmen in Consolidated Virginia struck a drift of surpassing richness. Examinations made by experts were said to show that this lode of ore, or "bonanza" as it is called at the mines, extended at least 1,700 feet in length, and had a depth of not less than 600 feet. It spreads through the California and Consolidated Virginia mines, which are contiguous, into the Ophir, and perhaps much further. The value of the ore now taken from the bonanza at several points is from \$500 to \$600 per ton, and the estimate made by Mr. Deidesheimer, a mining engineer of large experience, is that the bonanza contains not less than \$1,500,000,000 worth. Mr. Deidesheimer asserts that he discovered one pillar in the Consolidated Virginia worth, according to his calculation, \$70,000,000. He regards the mines as the richest in the world, and predicts that before long experts and mining capitalists will be flocking from all parts of the world to see these wonderful riches. Of course the development of the bonanza is going to make a number of men enormously rich. These two mines, the Consolidated Virginia and California, it is said, are controlled by four men, who are in partnership. They own 60,000 shares of each mine. Their names are James C. Flood, W. S. O'Brien, John Mackay, and James G. Fair. On December 22d the shares sold on the street at \$500. The aggregate value of Flood, O'Brien & Co.'s shares, therefore, is \$60,000,000 and the four shareholders are worth \$150,000,000 each. But this is not all. If Mr. Deidesheimer's calculation is correct, and the bonanza will yield in the end \$1,500,000,000, it will be safe to say that these four men will in a few years be worth as much as \$250,000,000 each. Another of the prospective billionaires is Sharon, the man who has just been elected Senator from Nevada. Sharon owns heavily in all the mines on the Comstock front, and if the bonanza extends far into and beyond the Ophir, he will become as rich as Flood and his companions. He is already worth \$20,000,000 or \$25,000,000 a day. Sharon came to California from Ohio with the pioneers of 1849. He had been a flat boatman, then a briefless lawyer in some small Missouri town, and then a struggling merchant. Arriving at San Francisco with a few dollars in his pocket, he plunged into speculation, made money, and lost it, went around needy and hungry, was picked up by the Bank of California and sent out to Nevada to assist in the management of a small branch there, and this started on the road to fortune. He is now familiarly called the "King of Comstock."

Among his associates is Ralston, the president of the Bank of California. Sharon is naturally a citizen of Nevada, but lives most of the time in San Francisco. He is a large owner of real estate in San Francisco, and is interested in a hundred enterprises. Lately he has been buying up mining property in the neighborhood of his Comstock possessions, and now holds with Ralston, a controlling interest in more than a dozen mines. He took a fancy a few years ago to be a Senator, and when Nye's term expired he was a competitor with other rich men, Jones, for the seat. As both could not have it, it was said a bargain was struck up, and it was agreed that Jones should succeed Nye and Sharon should succeed Stewart. As an illustration of the power of great wealth, it may be mentioned that while Nevada went Democratic by 2,000 majority on the gubernatorial vote, a Sharon majority on the joint ballot.

Legend of the Iron Mask.

During the seventeen years' confinement of this strange prisoner at Sainte Marguerite, St. Murs, who brought him to the fortress, was replaced by a Monsieur De Bonpart as Governor. The daughter of the latter, just emerging from childhood to womanhood, grew up with this around her. She had seen the graceful figure of the masked prisoner promenade at night upon the terrace and at worship in the chapel, where he was forbidden to speak or uncover his face, the soldiers in attendance having their pieces always pointed toward him if he should attempt to do either. She discovered that her father always treated him with the greatest respect, serving him hand and foot, and that his dress of richest velvet; he wore the finest linen and the most costly lace. She had heard her father accidentally speak of him as a "Prince."

Under that his pale face occupied her thoughts by day and his noble figure haunted her dreams by night. She, too, was very young and beautiful, and their eyes occasionally met in the chapel. He sang beautifully and was a very skillful performer on the guitar. It is said she climbed the rocks under the castle terrace, and sang sweet songs to the poor captive. Thus a romantic love sprang up between them, and as it gained strength the young girl dared to purloin the keys from her father, and so obtained access to the prisoner. When the Governor discovered his daughter's treachery he was struck

with the greatest dismay. His oath was binding upon him to put immediately to death any one who had spoken to the prisoner. But she confessed her love for him, pleading pitifully for her young life. The captive, also, to whom the Governor was much attached, joined his prayers to hers, and implored that they might be made man and wife, and then the secret would be safe. The Governor was not stern enough to impute his child, and perhaps a gleam of ambition may have flashed across his mind, as, in the event of the death of Louis XIV., the prisoner would be acknowledged, and his daughter sit on the throne of France. However, their nuptials were performed by the priest of the castle in the dead of night, and all were sworn to secrecy. From this union two children were born. A whisper of this reaching the Minister, the Marquis of Lavois, the prisoner was immediately removed to the Bastille for safe keeping, and the mother, the priest and the Governor disappeared. The children were sent to Corsica to be brought up in obscurity under the name of their grandfather Bonpart, which was corrupted into Bonaparte. And thus, says the legend, Providence avenged the wrongs of the twin brother of Louis XIV., and restored the oldest branch of the Bourbon line to the throne of France.—*Scribner's Monthly*.

The Famine in the West.

There is great distress existing among the settlers in Kansas and Nebraska, who have suffered from the grasshoppers, and the contributions thus far made for their relief are far from being adequate to the emergency. Unless more effective measures are adopted for the relief of deserving men who have lost their crops by the visitations of the winged pests it is to be feared that great misery and cases of actual starvation will ensue. There is a painful suspicion that in some of the States which have suffered most severely, men of wealth have endeavored to misrepresent the extent of the calamity, for fear that the value of their property would be depreciated if the facts were known; and to the representations of this class it may perhaps be attributed that the appeals of the sufferers have not been more effective. A correspondent of the *New York Sun*, writing from Phillips county, Kansas, says that in the township where he lives there are about 125 settlers who, unless relief is afforded, must actually starve. The State authorities have distributed 500 pounds of flour and corn-meal, a few beans and potatoes, some salt and a little clothing. There are many who have sold all their cattle and farming implements, who are now destitute of food and proper clothing, and have neither terms nor tools to begin work in the spring, if they manage to get through the winter. Similar accounts of destitution are continually coming to us from trustworthy sources.

The Only Rebel.

The Hon. B. H. Hill, of Georgia, has just made at Atlanta Ga., one of the noblest and most forcible speeches of the day. In the course of this logical, brilliant, and patriotic effort occurs the following grand and brief parallel between Secession and Radicalism. We believe that it will find a cordial response in the hearts of the great body of the American people:

"Secession was a mistake—a terrible mistake; but secession was no crime. [Great applause.] It violated no oaths; it trampled upon no individual rights; it dispersed no legislatures; it throttled no States; it sought to shed no blood; it burnt no cities; it invaded no homes! Radicalism is no mistake. It is deliberate, intentional, wicked, ever-increasing crime; [applause:] it has trampled upon ten thousand oaths to support the Constitution. It defied the Union as a fact that it might destroy the Union as a principle; under pretence of reconstructing the States it has destroyed the States. It has sworn to support the Constitution only to seize upon power to enable it to subvert the Constitution; under pretence of restoring peace it has blighted the country with war, poverty, and sorrow; it has burned cities, it has dispersed legislatures, it has robbed the poor, plundered the helpless, punished the innocent, and it has chained liberty to the car of tyranny. I arraign Radicalism to-night before the bar of this outraged country as the only real intentional rebel in American history. [Applause.] It is a rebel against the Constitution of our fathers; it is a rebel against the sovereignty of the States; it is a rebel against the domestic tranquility which the Constitution was intended to insure; it is a rebel against every principle of justice, and a rebel against every blessing of liberty. [Tremendous applause.]"

A Singular Prophecy Fulfilled.

In 1829 in Westmoreland county, Pa., Joseph Evans was hung for killing John Cissler with a shovel. He protested his innocence under the gallows and declared that the killing of Cissler was accidental. He declared that as he was innocently hung there would be no other persons hung in that county for a period of forty years. And he also named the witnesses who swore falsely against him and declared that not a man of them would die a natural death. Singular as it may appear, there has not been an execution in the county since that of Evans over forty-four years ago, and what is still the more singular of the witnesses he mentioned was a drowned one, was killed by a horse, and from the injuries received, died; one was hung in Ohio, for horse stealing, by a mob, one was struck by lightning and killed on the old post road, standing on or near a water tank, when a train of cars rolled over and left the lifeless remains of the witness a round mass of human flesh. Those arrested and tried for murder have either been sentenced to various periods in the Penitentiary or have escaped the horrors of the gibbet by swallowing poison on the near approach of the fatal day.

Two iron wedges in a cypress stump sixteen feet below the surface of the ground were recently found in Hyde county.

Becher preached an "eloquent sermon," a few Sundays since, on the "fall of man." He ought to know all about it, as few of his cloth overfell "further or harder."

The Opinion of Chief Justice Pearson in the Case of Cloud vs. Wilson.

The following opinion in the case of Judge Cloud vs. Judge Wilson, covering also the case of Judge Moore vs. Judge Hilliard, will be found of much interest to the general public: *People ex re. Cloud vs. Wilson*.

1st. D. H. Starbuck, at the first election after the adoption of the Constitution, was elected the Judge of the 8th Judicial District; he did not accept the office and declined to qualify, therefore the Governor appointed the relator to fill the vacancy.

The question is, was this a vacancy which the Governor had the power to fill?

One of these conclusions must be adopted: 1st. On the refusal of Mr. Starbuck to accept the General Assembly had power to order a special election for a Judge of that District. In the absence of a grant of this power to the General Assembly by the Constitution, this conclusion must be rejected.

2nd. This is *casus omnis* in the Constitution, and that instrument is so defective as to have provided no way to fill the office, so that the administration of the law in a judicial district must stop, should it so happen that the person elected Judge declines to accept or dies before he qualifies and takes on his commission. This conclusion must be rejected.

3rd. We adopt the conclusion that although Starbuck declined to accept, and did not qualify and take out his commission, a vacancy did occur in the office; by an unexpected event, there was no one to fill the office; thus, for all practical purposes, the office was vacant, and it can make no difference whether Mr. Starbuck declined before, or the moment after he qualified, or whether he was eligible to the office for taking it in either of the three ways, there was the same mischief. No one to administer the law in that judicial district, and to avoid this detriment to the public welfare, the power to fill vacancies is conferred upon the Governor.

1. The act of 1873-74, chapter 118, directs an election for Judge in the 8th Judicial District on the first Thursday in August, 1874, which was a regular election day for members of Congress, members of the General Assembly, and some other State officers, and was also a regular election day for the judges of the Superior Court belonging to the short term.

Under this statute Mr. Wilson was elected by a vote of the people Judge of the 8th Judicial District. He qualified, and in spite of the protestation of the relator, took possession of the office. The question is, had the General Assembly power to order the election? This depends upon the construction of act 4, sec. 31: "All vacancies occurring in the offices provided for by this article shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election."

It is settled that the words "otherwise provided for" mean otherwise provided for by the Constitution. Clark vs. Stanley, 66 N. C., 59 People vs. Bledsoe, 68 N. C., 457.

The question now is, what is the meaning of the words "until the next regular election?" Taken by themselves, they are too indefinite to have any particular meaning; as they cannot stand alone, it is the province of the courts to find, by the rules of construction, other words to support them—that is, to find a definite meaning.

1. It is suggested the addition of the words "for members of the General Assembly," would fix a definite meaning. That is true, but what warrant is there for adding these words? We know of no rule of construction to justify it; there is no association of ideas by which the election of judicial officers is connected with the election of members of the General Assembly; there is as much, if not more, reason for making the sentence read, until the next regular election for Justices of the Peace, than for making it read, until the next regular election for Justices of the Peace, that being a judicial officer.

It is unnecessary to say more upon this view of the question. Indeed, after the consideration of the matter which the appointment of Judge Cloud gave rise to in connection with the election for members of the General Assembly in 1872, the position has, by general consent, been abandoned as untenable—was not present in the argument before this Court.

2. It is suggested—the addition of the words "for Judges of the Superior Courts" will fix a definite meaning. This seems to have been the construction adopted by the General Assembly in the act above referred to. It is obvious, that the addition of those words so as to make the sentence read "until the next regular election for Judges of the Superior Courts," does not meet the whole question; for, the section under consideration embraces all vacancies in the judicial department, except those otherwise provided for by the Constitution, and includes the Justices of the Supreme Court, Clerks of the Superior Courts and Solicitors, as well as the Judges of the Superior Courts; so, to make the sentence full, it must be made to read, "until the next regular election for Justices of the Supreme Court, in respect to vacancies occurring in the office of the Justice or of any one of the Associate Justices; for Clerks of the Superior Courts, in respect to vacancies occurring in the office of a Superior Court Clerk, and for Solicitors, in respect to vacancies occurring in the office of a Solicitor, and for Judges of the Superior Courts in respect to vacancies occurring in the office of a Superior Court Judge."

It would seem this was the construction adopted by the General Assembly in respect to Justices of the Supreme Court, from the omission to provide for the election of two Associate Justices of the Supreme Court, to take the place of two who now hold the office under the appointment of the Governor to fill vacancies.

We think this construction the true one, in respect to Justices of the Supreme Court, Clerks of the Superior Courts and Solicitors, because elections are to be held at one time for all the Justices of the Supreme Court, and so as to the Clerks and Solicitors respectively. But, in regard to the election of Judges of the Superior Courts, this is not the case. There is another section of Article IV which varies the question and calls for a change in the words, which it is suggested should be added to section 25: "The Judges of the Superior Courts elected at the first election, under this Constitution, shall

after their election, under the superintendence of the Justices of the Supreme Court, be divided by lot into two equal classes, one of which shall hold office for four years and the other for eight years." Here is an express provision by which the Judges of the Superior Courts are divided into equal classes, one class to be elected every four years. Whether this provision will effect any important purpose, it is not for us to say, it is so ordained; and it is the duty of the Courts to give effect to it, and to see that it is not departed from and evaded. No construction of the Constitution can be sound which defeats an express provision of that instrument. Such is the effect of the construction provided for. We have eight of the Judges instead of six elected at one time and may have had nine or ten or the whole twelve according to the result of accidents.

To preserve these two equal classes and to have an election for six of the Judges of the Superior Court, held every four years, it is necessary to modify the additional words suggested, so as to make the sentence read, "until the next regular election for Judges of the Superior Courts, in respect to vacancies occurring in the office of a Judge of the Superior Court, to take the place of two who now hold the office under the appointment of the Governor to fill vacancies."

This construction, which we always in reference to all judicial officers, may be expressed by the use of a very short ellipsis, so as to make the sentence read: "The appointees shall hold their places until the next regular election for the office in which a vacancy has occurred."

This conclusion makes everything fit and there is no "jar" or dislocation of any part of the instrument.

In one case the office which had become vacant, belongs to the second class, to wit: that of the Judges to whom was allotted a full term; it follows that the regular election for the office is not to be held until 1878, at which time the terms of the Judges of the second class expires; that the act of the General Assembly, under the Constitution, which attempts to hasten the time for the election of a Judge of the 8th District, violates the Constitution.

It was urged on the argument, "by this construction the appointee of the Governor may hold office, as in this instance, for many years, whereas the general policy of the Constitution is to have frequent elections." It is "not ours" to conjecture the considerations which caused a provision by which the appointee to fill the office of Judge in case of a vacancy holds until the next regular election for the office, or for the want of a provision by which a vacancy in the office of a Judge of the Superior Court can be filled by an election of the people. Suffice it, there is no such provision. The term of office for a Judge elected by the people is fixed at eight years, and there is no provision for filling a vacancy by an election. As another objection to this construction, it was urged, other parts of the Constitution, to wit: sec. 30, 34 of the same article IV, "judicial departments" in providing for filling vacancies use the words "until the next regular election" if the words, "until the next regular election" are to have the same meaning.

The objection is plausible, but the reply is: the Constitution cannot be held up as a model of precision in language, and the duty of the Court is to declare the meaning, whether it be expressed in one set of words or in other equivalent words—for illustration, section 30, "in case of a vacancy existing for any cause," &c.; section 34, "when the office shall become vacant;" here the same meaning is expressed in different words, so the use of different equivalent words does not include the construction that the same meaning was intended.

But allowing that the change of words is an objection to the constitution adopted, it is weighed down by the fact that any other construction would nullify and put at naught the provision by which the judges of the Superior Courts are divided into two classes, and by the further fact that should the judge of a district having at the outset the long term be elected at the time that the judges of the other class are elected, the question will arise, does this judge elected out of his class hold for eight years, or only for the unexpired part of the term? If the former, the classification is entirely destroyed; if the latter, the classification is restored; in that instance, but is open to other disturbances occurring by vacancies, and we have the anomaly of a judge elected by the people to fill a vacancy for four years or other less time, which is in conflict with the provision that the term of office shall be eight years. There is this further objection; the election of a judge out of his class may come on unexpectedly, as if a judge out of the class dies or resigns, say twenty days before the regular election for judges of the other class, there will be no reasonable time for making a selection of candidates, but the election must be made, or the district will have no judge. The fact that this contingency is not provided for, shows it was not the intention to have an election by the people to fill a vacancy in the office of judge. This conclusion is put beyond all doubt, by reference to other parts of the constitution by which provision is made in so many words for the election of other less important officers, to fill vacancies that occur more than thirty days before a general election for such offices. If the election comes off within thirty days after the vacancy, the appointee of the Governor is to hold until the next general election, art. 3, sec. 13. No provision of the kind is made in respect to an election to fill a vacancy for the office of a judge out of his class; thus we are forced to the conclusion that no election of a judge out of the class was contemplated. We declare our opinion to be that the defendant, Thomas J. Wilson, is not entitled to the office of Judge of the 8th Judicial District, and that the relator, J. M. Cloud, is entitled to the office.

There is error. Judgment being reversed. Let judgment be entered according to this opinion.

PEARSON, J.

An old lady, on hearing that a young friend had lost his place on account of a misdeed—

"Miss Demanor, lost his place on account of Miss Demanor! Well, well, I'm afraid it's too true that there allus a woman at the bottom of a man's difficulties."

Two horns will last an ox a life time, but many a man wants that number every morning before breakfast.

